

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

LENDINGCLUB BANK, NATIONAL)	
ASSOCIATION,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 1:22-cv-484 (AJT/JFA)
)	
LENDINGCLUB.COM, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on the Proposed Findings of Fact and Recommendations [Doc. No. 23] of the Magistrate Judge, a copy of which is attached hereto, recommending findings that (a) the motion for default judgment against the 150 defendant domain names proceed in this single action; (b) the Court has subject matter jurisdiction over the action and *in rem* jurisdiction over defendant domain names, and that venue is proper; (c) service of process has been accomplished as set forth in 15 U.S.C. § 1125(d)(2)(B); (d) notice in this *in rem* action was proper, no timely claims to defendant domain names has been made, and the Clerk properly entered default as to defendant domain names; and (e) plaintiff has established a violation of the Anti-Cybersquatting Consumer Protection Act (“ACPA”), 15 U.S.C. § 1125(d); and also recommending that (1) an order be entered directing VeriSign and Public Interest Registry to change the registrars of record for defendant domain names to plaintiff’s domain name registrar of choice, CSC Corporate Domains, Inc. and direct CSC Corporate Domains, Inc. to take all necessary steps to have plaintiff listed as the registrant of defendant domain names; and (2) default judgment be entered in favor of plaintiff and against each defendant domain name

pursuant to Count I alleging a violation of the ACPA and Count II alleging *in rem* trademark infringement be dismissed without prejudice. No objection to the Report and Recommendation has been filed in the 14 days since counsel for plaintiff filed a certificate of service indicating the copies of [Doc. No. 23] were sent. The Court has conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. Accordingly, it is hereby

ORDERED that the Proposed Findings of Fact and Recommendations [Doc. No. 23] be, and the same hereby are, ADOPTED; and it is further


ORDERED that the Clerk is DIRECTED to enter default judgment in favor of plaintiff and against each defendant domain name pursuant to Count I alleging a violation of the ACPA, consistent with [Doc. No. 23]; and it is further

ORDERED that Count II alleging *in rem* trademark infringement be, and hereby is, DISMISSED WITHOUT PREJUDICE; and it is further

ORDERED that consistent with [Doc. No. 23], VeriSign and Public Interest Registry change the registrars of record for defendant domain names to plaintiff's domain name registrar of choice, CSC Corporate Domains, Inc., and that CSC Corporate Domains, Inc. take all necessary steps to have plaintiff listed as the registrant of defendant domain names.

The Clerk is DIRECTED to forward copies of this Order to all counsel of record and to the registrant(s) at the email and postal addresses provided by the registrant(s) to the registrars, as reflected in the Declaration of LeAnn Campbell, *see* [Doc. No. 8] at ¶¶ 5-8.

Alexandria, Virginia
March 20, 2023



Anthony J. Trenga
Senior U.S. District Judge